

HOUSE No. 67

Accompanying the second recommendation of the State Treasurer and Receiver General (House, No. 65). The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine.

AN ACT AMENDING THE PROCESS BY WHICH BANKS, CREDIT UNIONS AND THE DEPARTMENT OF THE STATE TREASURER ADMINISTER THE CONTENTS OF UNCLAIMED SAFE DEPOSIT BOXES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 17 of chapter 158 of the General Laws, as appearing in the 2000
2 Official Edition, is hereby amended by deleting in line 18 the word “may”, and inserting in place
3 thereof the word:— shall.

4 SECTION 2. Section 17 of chapter 158 of the General Laws, as appearing in the 2000
5 Official Edition, is hereby further amended by inserting the following after the word “bank” in
6 line 31:—

7 Prior to the opening of a safe deposit box for failure to pay rent, the bank must provide
8 notification to the Abandoned Property Division of the Department of the State Treasurer as to
9 the date and time of the opening. The deputy state treasurer for abandoned property, or his
10 designee, may attend any such opening.

11 SECTION 3. Section 17 of chapter 158 of the General Laws, as appearing in the 2000
12 Official Edition, is hereby further amended by inserting the following new paragraph after the
13 word “competent” in line 36:—

14 Upon the forcible opening of any safe deposit box, if any firearm, or substance that appears to
15 be a controlled substance, as defined in chapter 94C, is among the contents, the bank must
16 provide notice to the local police department. If it is determined by the local police department
17 that any firearm was lawfully possessed, pursuant to the terms of chapter 140, by the safe deposit
18 box owner, the local police department shall maintain the firearm in safekeeping until it is
19 claimed by the rightful owner or transferred to the Abandoned Property Division of the
20 Department of the State Treasurer. Subsequent to any determination by a local police department

21 that any substance which appears to be a controlled substance is not a controlled substance, as
22 defined in chapter 94C, the local police authority shall return the property to the bank to be held
23 on special deposit with all other contents contained in the individual's safe deposit box.

24 SECTION 4. Section 17 of chapter 158 of the General Laws, as appearing in the 2000
25 Official Edition, is hereby further amended by deleting in lines 41 through 47 the following
26 words: "If such package remains unclaimed for seven years and the amounts due as above
27 provided remain unpaid the bank may mail, postpaid, to the person or persons to whom, and at
28 the address at which, the notice provided for above was mailed, a notice stating that if such
29 amounts shall not be paid within sixty days from the date of such notice", and inserting in place
30 thereof the following:— As of December thirty first next preceding, any package which has
31 remained unclaimed for three years shall be presumed abandoned and reported to the Department
32 of the State Treasurer as abandoned property. The report shall be filed and the property
33 transferred to the Department of the State Treasurer between May first and June thirtieth of the
34 year next succeeding December thirty first. At least sixty days prior to transferring the property to
35 the Department of the State Treasurer as abandoned property, the bank shall mail, post paid, to
36 the person or persons to whom, and at the address at which, the notice provided for above was
37 mailed, a notice stating if such amounts should not be paid within sixty days from the date of the
38 notice.

39 SECTION 5. Section 17 of chapter 158 of the General Laws, as appearing in the 2000
40 Official Edition, is hereby further amended by deleting in line 47 the following words: "as
41 abandoned property", and inserting in place thereof the following:— pursuant to all applicable
42 provisions of chapter two hundred A.

43 SECTION 6. Section 17 of chapter 158 of the General Laws, as appearing in the 2000
44 Official Edition, is hereby further amended by inserting the word "said" after the word "of" in
45 line 48.

46 SECTION 7. Section 17 of chapter 158 of the General Laws, as appearing in the 2000
47 Official Edition, is hereby further amended by inserting the following after the word "safe" in line
48 61:— We further certify the bank has provided notice to the Abandoned Property Division of the
49 Department of the State Treasurer of the date and time of this forcible opening.

50 SECTION 8. Section 75 of chapter 171 of the General Laws, as appearing in the 2000
51 Official Edition, is hereby amended by deleting in line 93 the word "may", and inserting in place
52 thereof the word:— shall.

53 SECTION 9. Section 75 of chapter 171 of the General Laws, as appearing in the 2000
54 Official Edition, is hereby further amended by inserting the following after the words "credit

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union” in line 109:— Prior to the opening of a safe deposit box for failure to pay rent, the credit union must provide notification to the Abandoned Property Division of the Department of the State Treasurer as to the date and time of the opening. The deputy state treasurer for abandoned property, or his designee, may attend any such opening.

SECTION 10. Section 75 of chapter 171 of the General Laws, as appearing in the 2000 Official Edition, is hereby further amended by inserting the following new paragraph after the word “admissible” in line 111

Upon the forcible opening of any safe deposit box, if any firearm, or substance that appears to be a controlled substance, as defined in chapter 94C, is among the contents, the credit union must provide notice to the local police department. If it is determined by the local police department that any firearm was lawfully possessed, pursuant to the terms of chapter 140, by the safe deposit box owner, the local police department shall maintain the firearm in safekeeping until it is claimed by the rightful owner or transferred to the Abandoned Property Division of the Department of the State Treasurer. Subsequent to any determination by a local police department that any substance which appears to be a controlled substance is not a controlled substance, as defined in chapter 94C, the local police authority shall return the property to the credit union to be held on special deposit with all other contents contained in the individual’s safe deposit box.

SECTION 11. Section 75 of chapter 171 of the General Laws, as appearing in the 2000 Official Edition, is hereby further amended by deleting in lines 116 through 120 the following words: “If such package remains unclaimed for seven years and the amounts due as above provided remain unpaid the credit union may mail, postpaid, to the person or persons to whom, and at the address at which, the notice provided for above was mailed, a notice stating that if such amounts shall not be paid within sixty days from the date of such notice”, and inserting in place thereof the following:—

As of December thirty first next preceding, any package which has remained unclaimed for three years shall be presumed abandoned and reported to the Department of the State Treasurer as abandoned property. The report shall be filed and the property transferred to the Department of the State Treasurer between May first and June thirtieth of the year next succeeding December thirty first. At least sixty days prior to transferring the property to the Department of the State Treasurer as abandoned property, the credit union shall mail, post paid, to the person or persons to whom, and at the address at which, the notice provided for above was mailed, a notice stating if such amounts should not be paid within sixty days from the date of the notice.

SECTION 12. Section 75 of chapter 171 of the General Laws, as appearing in the 2000 Official Edition, is hereby further amended by deleting in line 122 the following words: “as

abandoned property”, and inserting in place thereof the following:— pursuant to all applicable provisions of chapter two hundred A.

SECTION 13. Section 75 of chapter 171 of the General Laws, as appearing in the 2000 Official Edition, is hereby further amended by inserting the word “said” after the word “of” in line 123.

SECTION 14. Section 75 of chapter 171 of the General Laws, as appearing in the 2000 Official Edition, is hereby further amended by inserting the following after the word “safe” in line 139:—

We further certify the credit union has provided notice to the Abandoned Property Division of the Department of the State Treasurer of the date and time of this forcible opening.

SECTION 15. Chapter 200A of the General Laws, as appearing in the 2000 Official Edition is hereby amended by inserting the following new section:—

Section 15F. (a)The state treasurer may decline to receive property reported under this chapter which the treasurer considers to have a value less than the expenses of notice and sale.

(b) If the Treasurer determines after investigation that property delivered under this chapter has no substantial commercial value, the treasurer may destroy or otherwise dispose of the property at any time. An action or proceeding may not be maintained against the State or any officer or against the holder for or on account of any acts taken by the administrator under this section, except for acts constituting intentional misconduct.

SECTION 16. Notwithstanding section 12 of chapter 200A of the General Laws, the state treasurer shall establish an amnesty period for holders of the contents of unclaimed and abandoned safe deposit boxes during which such holders shall not be subject to the penalties, fines or interest pursuant to said section 12; provided, however, that said period shall commence six months from the effective date of this act and end 181 days after said commencement; provided, further, that the amnesty period shall be extended to any holder, provided that: (1) each such holder is not, at the beginning of said period of amnesty, the subject of investigation or audit by the treasurer, or a party to litigation affecting said abandoned property, (2) the abandoned property of said holder was required to be reported on or before November 1, 2003, (3) the abandoned property of the holder is transferred directly to the treasurer during said amnesty period, (4) appropriate reports pertaining to the property are filed with the treasurer in a manner satisfactory to the treasurer during the amnesty period, and (5) records pertaining to said abandoned property are maintained by the holder in compliance with said chapter 200A; and provided, further, that the treasurer shall conduct an outreach and publicity program to notify banks and credit unions their obligations under the General Laws, and the amnesty program.